

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 28 2011

JONATHON B. BRISTOW,)
Plaintiff,)
vs.)
DAWSON ENGLE et al.,)
Defendants.)

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Yuk DEPUTY

No. CIV-11-375-W

ORDER

On May 23, 2011, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this matter and made certain recommendations regarding the claims asserted under title 42, section 1983 of the United States Code by plaintiff Jonathon B. Bristow in his complaint. Bristow was advised of his right to object to the Report and Recommendation, and although he was granted an extension of time do so, see Doc. 14, Bristow filed no objections within the allotted time.

In the absence of any challenges, the Court accepts Magistrate Judge Couch's suggested disposition of Bristow's claims and accordingly,

- (1) ADOPTS the Report and Recommendation [Doc. 11] filed on May 23, 2011, including the recommendation that the dismissal of this matter shall count as a "prior occasion" or strike under title 28, section 1915(g) of the United States Code;
- (2) pursuant to title 28, sections 1915 and 1915A of the United States Code, DISMISSES Bristow's claims asserted against all defendants that are based upon an alleged violation of his right to a speedy trial;

(3) pursuant to these same statutes,

(a) DISMISSES with prejudice Bristow's claims against defendant Dawson Engle under the doctrine of judicial immunity;

(b) DISMISSES with prejudice Bristow's claims against defendants Richard Smotherman, Russ Cochran and A. Panter because these defendants are entitled to prosecutorial immunity;

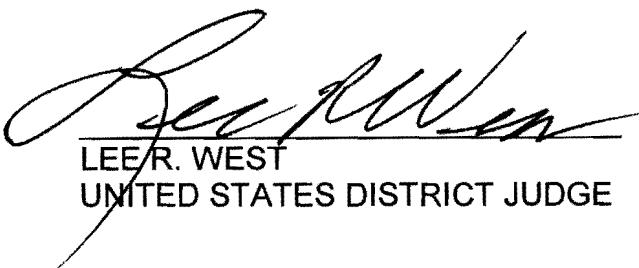
(c) DISMISSES with prejudice Bristow's claims against defendant Karen Byars because Bristow has not demonstrated that Byars "act[ed] under color of state law," West v. Atkins, 487 U.S. 42, 48 (1988);

(4) DISMISSES without prejudice Bristow's claims regarding alleged mishandling of property by Officer Chad Pope, a nonparty to this action;

(5) DISMISSES without prejudice Bristow's claims to the extent Bristow is seeking federal habeas relief; and

(6) DENIES Bristow's Motions for Transport to D.O.C. and Combining of Initial Filing Fees [Doc. 12] filed on May 31, 2011.

ENTERED this 28th day of July, 2011.



LEE R. WEST
UNITED STATES DISTRICT JUDGE